

**FILED**

JUN 14 2006

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

UNITED STATES OF AMERICA,  
Plaintiff,

v.

RICK KNOTT,  
Defendant.

No. CR-06-00346-DLJ

PROTECTIVE ORDER RE  
DISCLOSURE OF CERTAIN WITNESS  
STATEMENTS TO DEFENSE COUNSEL

At the last calling of this case on June 2, 2006, there was colloquy between the Court and counsel about whether the government would provide defense counsel with copies of DEA reports of interviews of cooperating defendants. Government counsel acknowledged that to date, no such reports had been turned over to defense counsel. Government counsel noted that these statements would be Jencks Act statements, subject to disclosure as provided in 18 U.S.C. § 3500. See also Fed.R.Crim.P. 26.2. The Court indicated its preference that such statements be provided to defense counsel in advance of the date required by law.

The government is agreeable to providing these statements to defense counsel earlier than required by law, subject however, to a protective order that addresses the concerns expressed by government counsel as to the safety of the cooperating defendant

1 witnesses.

2 Good cause appearing, the disclosure of these materials to defense counsel is  
3 subject to the following terms and conditions of this Protective Order:

4 1. The United States will provide to defendant's counsel, Assistant Public  
5 Defender Joyce Leavitt, copies of these memoranda described above. These memoranda  
6 shall be used in connection with this case and for no other purpose.


7 2. These materials shall not be copied. However, the contents of these  
8 materials may be disclosed by defense counsel to and discussed with the defendant, and to  
9 any other person working on this case with AFPD Leavitt. A copy of the memoranda  
10 shall not be provided to the defendant.

11 3. Disclosure of additional memoranda by the government for interviews of  
12 cooperating defendants conducted after the filing of this Protective Order, shall be made  
13 by the government in accordance with this Order, and their use by defense counsel shall  
14 be subject to the provisions of this Protective Order.

15 4. This Protective Order shall continue in force and effect until further order  
16 of this Court.

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18 IT IS SO ORDERED.


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21 DATED: June 14, 2006

  
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D. LOWELL JENSEN  
UNITED STATES DISTRICT JUDGE

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PROTECTIVE ORDER

1 Approved:

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3 DATED: 6/14/06

  
GEORGE L. BEVAN JR.  
Assistant United States Attorney  
Counsel for the United States

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7 DATED: \_\_\_\_\_

8 JOYCE LEAVITT, ESQ.  
9 Assistant Federal Public Defender  
10 Counsel for Defendant Rick Knott  
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PROTECTIVE ORDER

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GEORGE L. BEVAN JR  
Assistant United States Attorney  
Counsel for the United States

*Joyce Leavitt*  
JOYCE LEAVITT, ESQ.  
Assistant Federal Public Defender  
Counsel for Defendant Rick Knott

PROTECTIVE ORDER

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TOTAL P.04